

Zoning Board of Appeals Minutes 02/25/2015

MASHPEE ZONING BOARD OF APPEALS FEBRUARY 25, 2015 MINUTES

The Mashpee Zoning Board of Appeals held Public Hearings on Wednesday, February 25, 2015, at 6:00 p.m. in the Waquoit Room at the Mashpee Town Hall, 16 Great Neck Road North. Board Members Jonathan D. Furbush, William A. Blaisdell, Richard Jodka, and Associate Member Domingo K. DeBarros were present. Also present was Building Commissioner, Michael Mendoza. Board Members Ron Bonvie, James Reiffarth and Associate Member Scott Goldstein were absent.

Mr. Furbush announced and addressed the applicants that there were only four (4) Board Members present, and all four members would have to vote positive for the petitions to pass.

Mr. Furbush asked the applicant if he had any objection that there were only four members available, and could request a continuance if needed.

2 Popponesset Island Road: Requests a Special Permit under §174-17 and §174-20 of the Zoning Bylaws to allow for alterations and construction of a master bedroom, family room, and existing kitchen, on property located in an R-3 Zoning District at 2 Popponesset Island Road, (Map 105 Parcel 267), Mashpee, MA. (Owner of Record: Judith J. Miller). (Continued from January 14, 2015 Hearings, opened but not heard).

Mr. Raul Lizardi-Rivera, of Holmes and McGrath, Inc. represented the Petitioner for the house reconstruction application. The project was presented and approved back in 2006 as a Special Permit, but was never constructed and has since expired. The new project is designed on a smaller scale and involves renovating the inside of the house adding two additions to the building towards the North and the East. There are no changes in the number of bedrooms, and no changes to the Title V septic system or driveway. The non-conformity to the house is the setback from Popponesset Bay and there are no changes to that existing non-conformity.

Mr. Furbush noted the setback on the side is 15 feet, and on the plan it was noted as 18 feet, and is not any closer to the water. The existing lot coverage is 10.5% and proposed is 12.2%; the allowed lot coverage is 20%.

The Conservation Commission approved the project on December 11, 2014 under an amended order request.

The Board of Health Comments are as follows: "If the additions are on piles then no septic inspection is required and the septic tank does not have to be relocated. The floor plan is fine with one comment: if the opening to the den is existing at 5' then it's OK. If the opening will be renovated then a 6' cased opening is required."

Mr. Lizardi stated the additions will be on sono-tubes, a portion of the existing house is on sono-tubes, and a portion of the basement is a foundation. There will be no expansion of the basement. The opening in the den will be at 5' and cannot be extended as indicated by the Board of Health.

Mr. Blaisdell made a motion to approve a Special Permit under §174-17 and §174-20 of the Zoning Bylaws to allow for alterations and construction of a master bedroom, family room, and existing kitchen, on property located in an R-3 Zoning District at 2 Popponesset Island Road, (Map 105 Parcel 267), Mashpee, MA. (Owner of Record: Judith J. Miller). Referencing a two page plan titled; Proposed House Reconstruction, prepared for Judy Miller, for lot 1046, 2 Popponesset Island Road, by Holmes and McGrath, Inc., 205 Worcester Court, Unit A4, Falmouth, MA 02540, Scale: 1" = 20', revised; 11/4/14, Proposed Addition, Mitigation Planting Areas and Planting Notes. Also includes a two page plan titled; Miller Residence, by Elise Bracerias Stone, Architects, 288 Old Marlboro Road, Concord, MA, dated 7/1/14.

Mr. Jodka, seconded, yes, Mr. Furbush, yes, Mr. Blaisdell, yes, and Mr. DeBarros, yes. All were in favor.

OTHER BUSINESS

Mr. Furbush asked Attorney Kirrane if he had any objection that there were only four members available, and could request a continuance if needed. Mr. Kirrane agreed to proceed with the request.

50 Spoondrift Way: At the request of the Attorney, in his letter dated December 15, 2014 to the ZBA, he would like to address the Building Department concerns about the plans of the proposed wooden decking around the pool. The Board will vote to determine if it's a minor or major modification.

Attorney, Kevin Kirrane represented the Fitzgerald's for the raze and replace project back in 2013. After the project was approved, a question was raised by the Building Inspector relative to the proposed wooden decking that was shown on the approved plans, but was left off the plan when the Board asked the Engineer to add a dimension to the corner of the building. The Board voted on a plan and wanted the dimension added from the corner of the building to the rock wall at the water, but he did not add the other notes to the plan particularly the words "proposed wood deck."

As of December, Mr. Kirrane returned to the Board and presented a wooden deck around the pool instead of the existing concrete patio. Since that time, the homeowners decided to keep the concrete patio, and is proposing to add a 16' x 16' wood patio platform to be inserted and level within the concrete apron. There will be no sono-tubes, and will be supported by the concrete.

Mr. Furbush read the Conservation Comments into the record; "The applicant will present an administrative approval request to the commission on Thursday, Feb. 26th. I do not anticipate any issue with a request to allow a different material to be used for the patio area of the pool. I have met with the project consultant and the proposal does not involve any change in previously approved footprint nor will the change result any adverse impacts resulting from runoff and drainage characteristics on the site. Essentially, the requested change still meets the wetland performance standards applicable to this project under the Wetlands Protection Act, thus the commission should approve this request without incident."

Mr. Mendoza reiterated the question regarding the wooden insert into the concrete and stated should satisfy the Local Inspector. He stated he did not visit the site but was told that there was a 2 foot drop around the swimming pool with sono-tubes in place, and wanted to know if they were removed.

Mr. Blaisdell stated he visited the site and saw stakes and the concrete apron still in place. He asked a construction worker what the stakes were for and said sono-tubes. This raised the concerns of the Board regarding the lot coverage.

Mr. Blaisdell made a motion to approve the request by the Attorney for 50 Spoondrift Way to address the Building Department concerns about the plans of the proposed wooden decking around the pool. The Board will vote to determine if it's a minor or major modification. Referencing a Plot Plan, titled; "Proposed Swimming Pool Surround", 50 Spoondrift Way, Mashpee, MA. Prepared for Maureen Fitzgerald, by BSS Design Engineering and Surveying, signed by Thomas Bunker, Professional Land Surveyor, scale 1" = 20', dated February 24, 2015, drawn TJB, job number 13003 drawing number P21-03.

Mr. Furbush also stated for the record as indicated by Attorney Kirrane that the wooden insert remains as depicted on the plot plan. This is also pending approval by Conservation Commission at their meeting dated February 26, 2015.

Mr. Furbush seconded as a minor modification, yes, and Mr. Blaisdell, yes, Mr. Jodka, yes, and Mr. DeBarros, yes. All were in favor.

Mr. Sam Houghton, a Reporter from the Enterprise attended the meeting and introduced himself. He took over for Jeff Spillane.

Board to discuss revised petitioner application forms

Mr. Mendoza said he has been working on revising the ZBA applications and noticed there have been some "stumbling blocks" and missing pieces of information from the applicants. These changes will help the applicant and the Board to better understand the reason they are applying.

For example; the form titled "Application Process" page, item 1-F, "The Site Plan, shall also have a Legend/Informational Box listing: Current Zoning, lot size, frontage and lot coverage". The revised application forms include the Petitioner Checklist, Special Permit, Written Finding, Variance, and Minor Modification. These forms are dated 02/25/2015 and replace any prior application forms effective immediately.

Mr. Mendoza also discussed with the Board the amended bylaw section 174-24C.3 regarding ZBA applicants required to submit information regarding an archaeological sensitivity study of a site. **Explanation:** "This article would include archaeological sensitivity of a site in the

items to be considered in the review and approval of Special Permits.” The Board would like to discuss their questions with Town Counsel.

Approve February 11, 2015 meeting minutes

Mr. DeBarros made a motion to approve, yes, Mr. Blaisdell, seconded, yes, and Mr. Jodka, yes. All were in favor.

Mr. DeBarros made a motion to adjourn. All were in favor.

Respectfully submitted,

Mary Ann Romero
Administrative Secretary
Zoning Board of Appeals